

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 3/2/2005

ITEM NO. 6

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Offices @ Pinnacle Peak & Miller
1-BA-2005

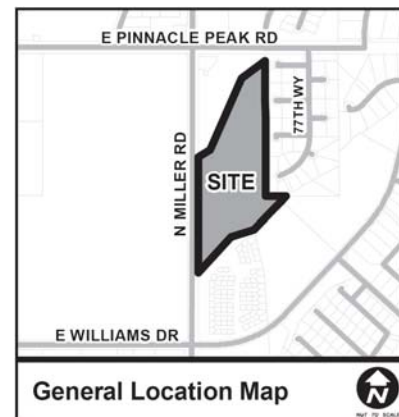
REQUEST Request approval for a variance on minimum frontage open space.

OWNER Paragon Properties
480-488-0350

APPLICANT CONTACT Tom Zandler
Earl Curley & Lagarde P C
602-381-4756

LOCATION 7655 E Pinnacle Peak Rd

CODE ENFORCEMENT
ACTIVITY None



PUBLIC COMMENT At the time of drafting this report there has been no public inquiries.

ZONE Commercial Office, Environmentally Sensitive Lands (C-O ESL)

DEVELOPMENT
CONTEXT There are various zoning designations and existing developments abutting this site:

- An existing commercial center zoned Neighborhood Commercial (C-1 ESL) District is along the northern property boundary of the proposed site.
- Single-family residential properties to the east and southeastern property boundaries are zoned R1-43 ESL.
- An existing townhouse development, zoned Townhouse (R-4 ESL) Residential is located along the southern property boundary.
- The vacant property to the west is vacant and zoned for Western Theme Park (WP ESL)

ORDINANCE
REQUIREMENTS Article V. Section 5.2204.E.1.B. States that a minimum of one-half of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and streetscape containing a variety of spaces.

DISCUSSION The property along with the parcel to the north was rezoned in 1990 from Single Family Residential (R1-43) to Commercial Office (C-O),

Neighborhood Commercial (C-1), and Townhouse Residential (R-4). In the proposed development the entire parcel is zoned Commercial Office. The proposed project (24-PP-2004) is scheduled for the Development Review Board for preliminary plat approval on February 24, 2005 for the development of 10 lots with sizes ranging from 49,500 to 136,328 square feet.

The applicant is requesting a variance for this unimproved property for the construction of small-scale commercial office buildings. The variance is for the required frontage open space along the proposed internal roadway within the development. The applicant is not requesting a variance from the frontage open space requirements for the lots that front along Miller Road. Therefore, the request is to reduce the frontage open space requirements along the internal street only. The open space requirement for a lot in a C-O District is dependent upon the height of each of the individual buildings on each lot. One half of the open space requirement per lot is required to be frontage open space (along the street).

For example, one lot could build a 36' high building which would increase the overall open space requirement to that greater than another lot that builds a 24' high building. In other words, the frontage open space requirement will vary on each lot as it develops. The applicant is proposing a 15-foot front yard setback in place of the required frontal open space requirement. The requested setback requirement is intended to provide a consistent landscaped streetscape throughout the internal road frontage.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application, which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant justifies that the site is irregularly shaped and becomes extremely narrow in the north half of the property. It is further constrained with significant washes along the north and southern perimeters which necessitate the location of a substantial portion of the required Natural Area Open Space (NAOS)/open space for the parcel in these perimeter wash areas. Stipulations of zoning approval also require a 50-foot NAOS/open space setback along the entire eastern perimeter adjacent to the existing residences. In addition, the Development Review Board (DRB) approval for the retail center to the north required an additional 24,153 square feet of NAOS to be provided on this parcel in satisfaction of the retail parcel NAOS requirement. These special circumstances of significant washes and substantial NAOS requirements along three perimeters of the property create an unusually constrained development parcel.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The applicant states that the current development proposal is for small-scale individual office building complex on ten separate parcels fronting an internal driveway. Because of the significant NAOS/open space requirements along the perimeters of the property, the individual parcels fronting along the private driveway cannot meet the 50 percent frontage open space requirement. Without a variance to reduce this requirement, the small-scale individual office user project is not feasible because in combination with required open space on the perimeters, the frontage open space and NAOS requirements.

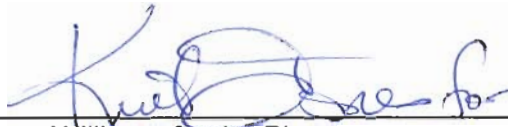
3. That special circumstances were not created by the owner or applicant:

The applicant states that the combination of the irregularly shaped parcel that narrows at the northern end, the significant wash configurations, and the NAOS and setback requirements were not created by the owner. This small-scale individual office user complex approach is a development option that would be available on this parcel, as it would be on any other C-O property, but for the inherent constraints of the site.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant states that the small-scale individual office user configuration reduces the impacts to nearby residents substantially by concentrating the building massing in the center of the site near the internal roadway. If a variance is not granted, the frontage open space requirement forces the buildings along the east side of the internal roadway closer to the residences, east of the site. Adjacent residents support the current proposal as preferable to the previous development pattern and the variance will allow a smaller scale project that neighbors find more compatible and not detrimental. The alternative smaller scale development option is no way detrimental to anyone else in the vicinity or to the public welfare in general. To maintain an appropriate setback on the internal drive in order to assure an aesthetically pleasing appearance along the private driveway, a 15-foot building setback will be required.

STAFF CONTACT



Greg Williams Senior Planner
Report Author
Phone: 480-312-4205
E-mail: gwilliams@scottsdaleaz.gov



Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Project Description / Variance Details

Case Numbers: _____ - PA - _____ / _____ - BA - _____

Project Name: Offices at Miller and Pinnacle Peak

Location: East side of Miller Road south of Pinnacle Peak retail center

Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Use: Office Zoning: C-O

Number of Buildings: 10 Height: N/A

Setbacks: N - - S - - E - - W - -

Description of Request:

Section of the Zoning Ordinance to be varied: Sec. 5. 2204. E. 1. b.

Project Narrative:

See Attached.

Scottsdale Ordinance Requires: One-half of the total site open space must be incorporated as frontage open space along a street.

Request: A variance to allow the frontage open space requirement to be satisfied by the provision of a 15' building setback from the private drive vehicular access boundary.

Amount of Variance: Varies depending upon lot size and generally would average as a less than 30-50% variance.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

VARIANCE PROJECT NARRATIVE

Paragon Properties is proposing a 10 parcel office complex on an approximately 16.97 acre Commercial Office (C-O) site on the east side of Miller Road south of the retail center on Pinnacle Peak Road. The C-O site received zoning approval as part of a 47.4+ acre development in Case No. 23-ZN-90. Individual development parcels range in size from approximately 49,500 s.f. to 136,300 s.f. The site plan submittal depicts NAOS, detention/retention areas, site circulation and Miller Road improvements.

The Development Review Board (DRB) approval on the C-O site in Case No. 16-DR-99 has since lapsed. The previously approved site plan allowed five larger scale 2-story buildings, 36 feet in height with approximately 210,000 sq. ft. and required parking. The larger scale 2-story buildings, with significantly greater massing and associated parking fields, would have had greater visual and intensity impacts on adjacent residential development than the current proposal. The proposed office campus, intended for small office users, is anticipated generally to have more residentially-scaled buildings with far less square footage, and thus to generate far less traffic. Impacts on residential development should also be reduced with the current proposal.

The proposed development concept is intended to create an office campus setting for small-scale individual users; however, parcels could be combined by users. A 50' NAOS buffer and an additional 25' building setback are being provided along the east property line. Building height is limited by the Ordinance maximums of 36 feet and 24 feet within 100 feet of single-family residential districts. The Design Guidelines also provide for a driveway separation standard and 15-foot front yard setbacks from the vehicular access easement to establish a visually pleasing streetscape. Open space, F.A.R. and building volume will be provided on individual parcels per the C-O District requirements.

Design Guidelines will ensure quality and compatibility of architectural design, including color, materials and landscape palettes. Actual architectural designs, colors, materials, landscaping, pavers/colored concrete, site furniture and lighting, window recesses and other architectural details will be approved by the DRB as each individual parcel is developed. Development parcels would be sold to individual users who will then be required to submit for Development Review Board (DRB) site plan, landscaping and architectural approval consistent with the Design Guidelines.

In Case No. 23-ZN-90, a total of 20% NAOS was required for the overall development site. The NAOS Master Plan for the C-O parcel demonstrates the satisfaction of 20% NAOS zoning requirement, including the additional 24,153 s.f. to be provided on the C-O parcel in satisfaction of the NAOS requirement for the retail parcel as approved in Case No. 15-DR-99 (retail approval – Parcel 1) and Case No. 16-DR-99 (C-O parcel – Parcel

2). NAOS is allocated within individual parcels and will be secured by the dedication of an NAOS easement on the plat. The minimum dimension of 40 feet also required per zoning stipulation of Case No. 23-ZN-90 is satisfied on the boundary with the retail center by the combination of NAOS on both parcels as previously approved.

Because of the development constraints of the irregularly-shaped parcel, which narrows significantly on the northern end, and the wash preservation and NAOS setback requirements on three perimeters of the site, a variance to the frontage open space requirements is being requested. The proposed site plan configuration for a small-scale individual user office complex is preferred by the adjacent neighbors to the previously-approved plan for five 2-story buildings, and is a reasonable land use development option on the parcel. However, without a variance in the frontage open space requirements this acceptable land use pattern on the C-O parcel is not feasible. In combination with the required NAOS/open space on the perimeters, the provision of the 50 percent frontage open space would render the lots unbuildable. A 15-foot building setback is proposed to meet the intent of the frontage open space requirement.



ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a separate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

See Attached.

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

See Attached.

3. Special circumstances were not created by the owner or applicant:

See Attached.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

See Attached.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

JUSTIFICATION FOR VARIANCE

1. *Special circumstance/conditions exist which do not apply to other properties in the district:*

The approximately 16.97 acre Commercial Office (C-O) site is irregularly-shaped and becomes extremely narrow in the north half of the property. It is further constrained with significant washes on the north and south perimeters which necessitate the location of a substantial portion of the required NAOS/open space for the parcel in these perimeter wash areas. Stipulations of zoning approval also require a 50-foot NAOS setback along the entire eastern perimeter adjacent to residences. In addition, the Development Review Board (DRB) approval for the retail center to the north required an additional 24,153 s.f. of NAOS to be provided on this parcel in satisfaction of the retail parcel NAOS requirement. These special circumstances of significant washes and substantial NAOS requirements on three perimeters of the property create an unusually constrained development parcel.

2. *Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:*

The current development proposal is for a small-scale individual office building complex on ten separate parcels fronting on an internal driveway. Because of the significant NAOS/open space requirements on the perimeters of the property, the individual parcels fronting along the private driveway cannot meet the 50 percent frontage open space requirement. Without a variance to reduce this requirement, the small-scale individual office user project is not feasible because in combination with required open space on the perimeters, the frontage open space requirement renders the lots unbuildable for the small office use proposed.

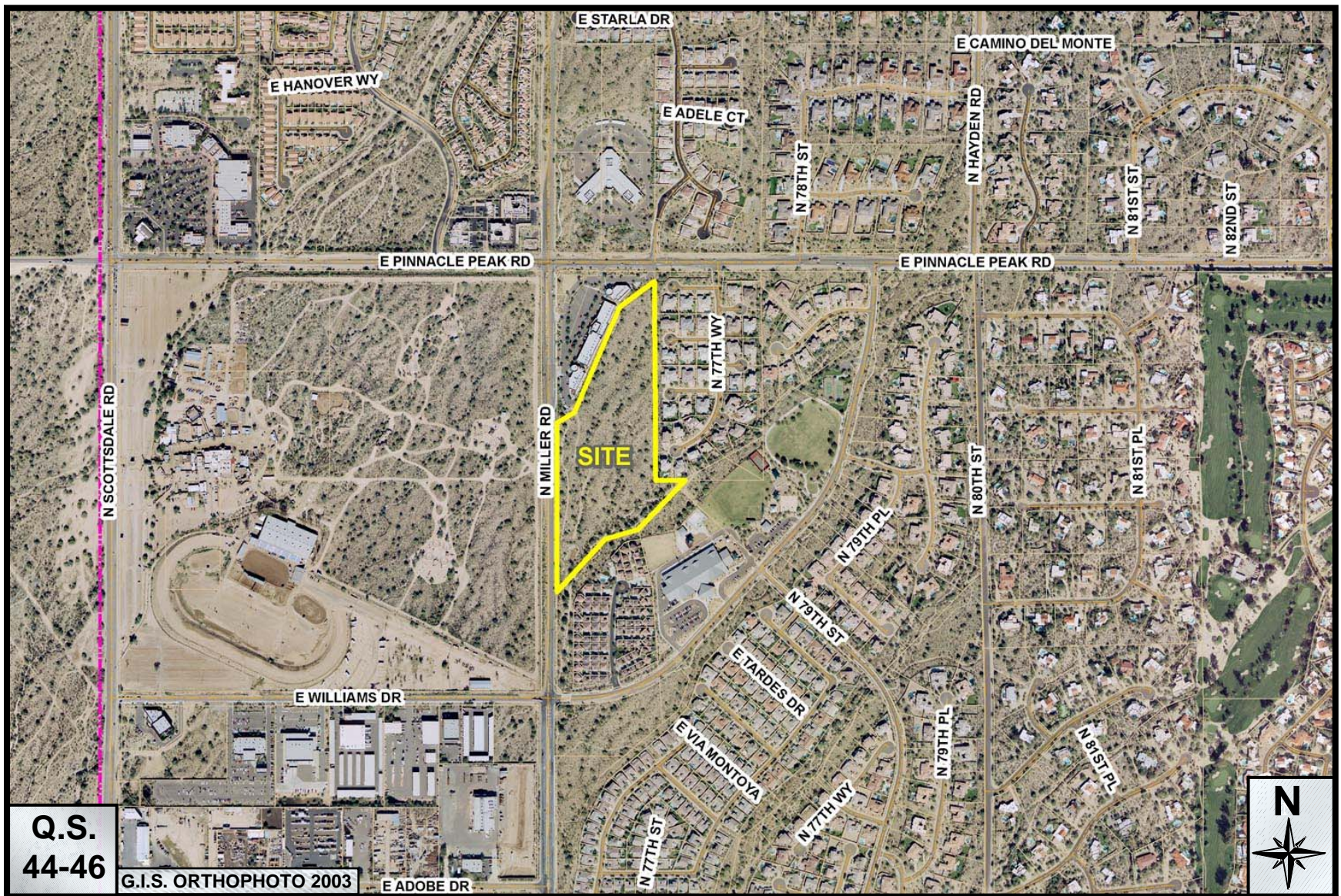
3. *Special circumstances were not created by the owner or applicant:*

The combination of the irregularly-shaped parcel that narrows at the northern end, the significant wash configurations and the NAOS and setback requirements, which make the small scale, individual office user pattern of development impossible to implement without the requested variance were not created by the owner. This small scale individual officer user complex approach is a development option that would be available on this parcel, as it would be on any other C-O property, but for the inherent constraints of the site.

4. *Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:*

The small scale, individual office user configuration reduces the impacts to nearby residents substantially in comparison with the five two-story building project, at a larger scale and with substantially greater massing, which was previously approved by the Development Review Board on this site. Adjacent residents support the current proposal as preferable to the previous development pattern and thus the variance will allow a smaller scale project

that neighbors find more compatible and not materially detrimental. This alternative smaller scale development option is in no way detrimental to anyone else in the vicinity or to the public welfare in general. Indeed, it is a less impactful proposal than what was previously approved on the site. To maintain an appropriate setback on the internal drive in order to assure an aesthetically pleasing appearance along the private driveway, a 15' building setback will be required.



Q.S.
44-46

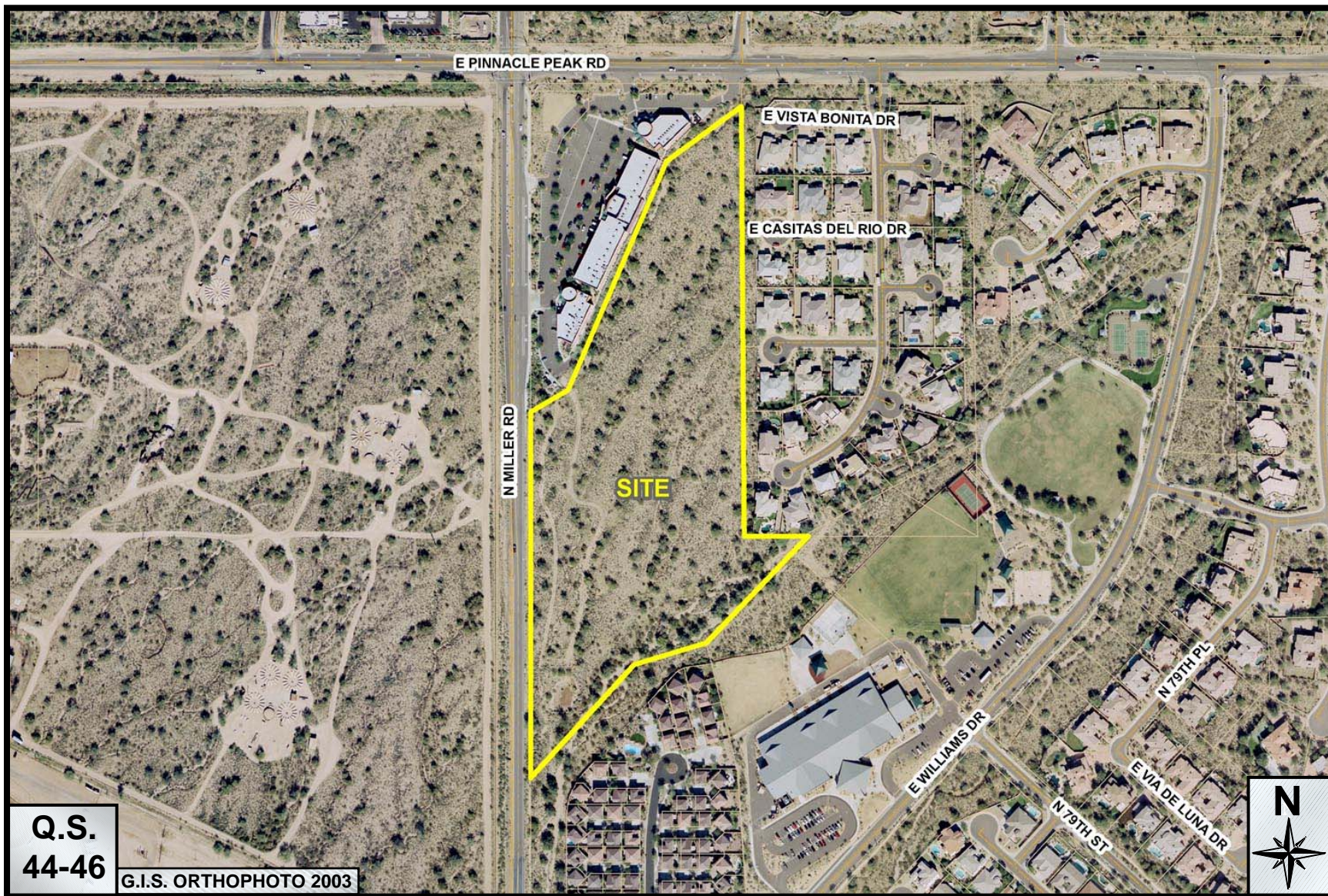
G.I.S. ORTHOPHOTO 2003

E ADOBE DR

Offices @ Pinnacle Peak & Miller

1-BA-2005

ATTACHMENT #3



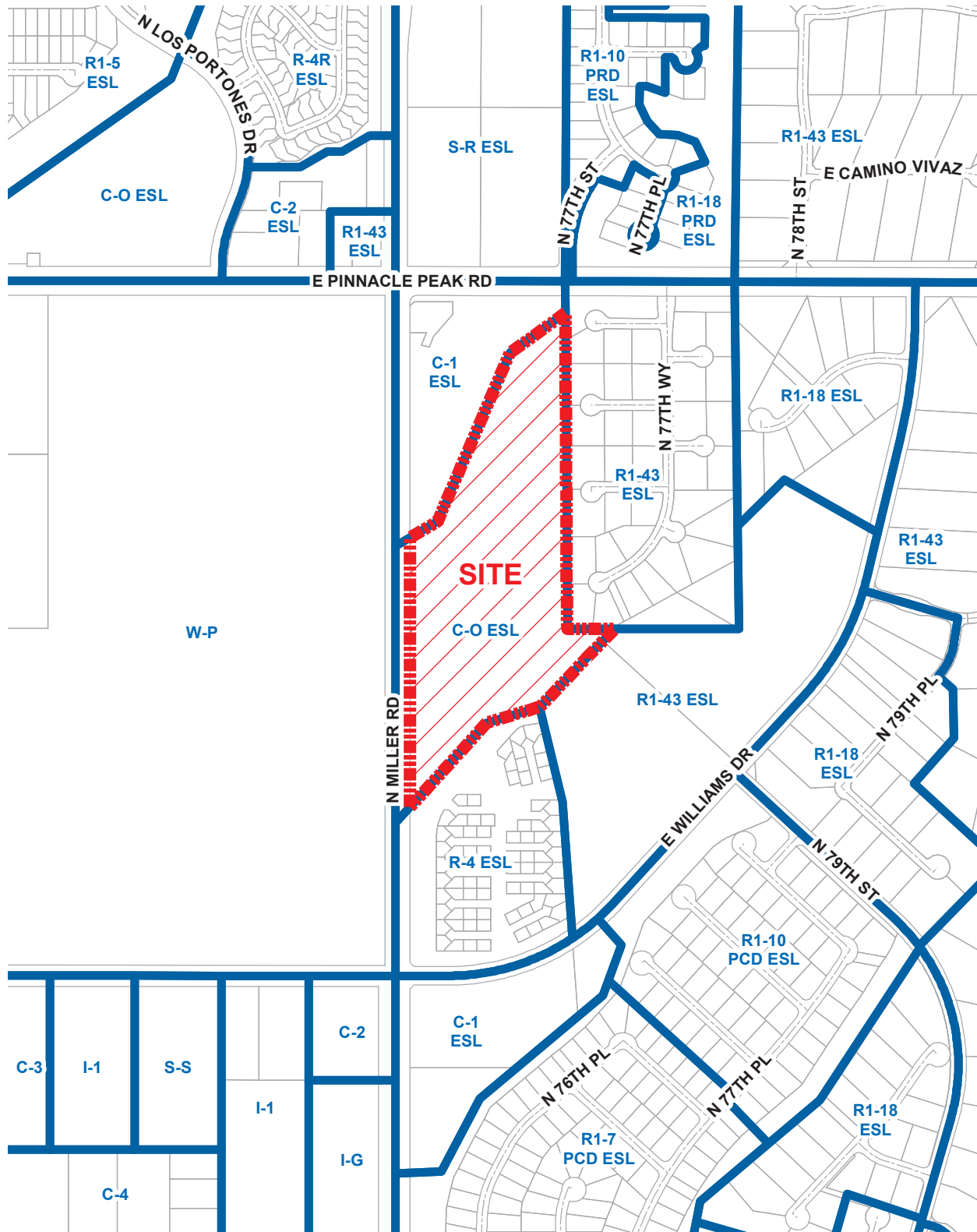
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Offices @ Pinnacle Peak & Miller

1-BA-2005

ATTACHMENT #4

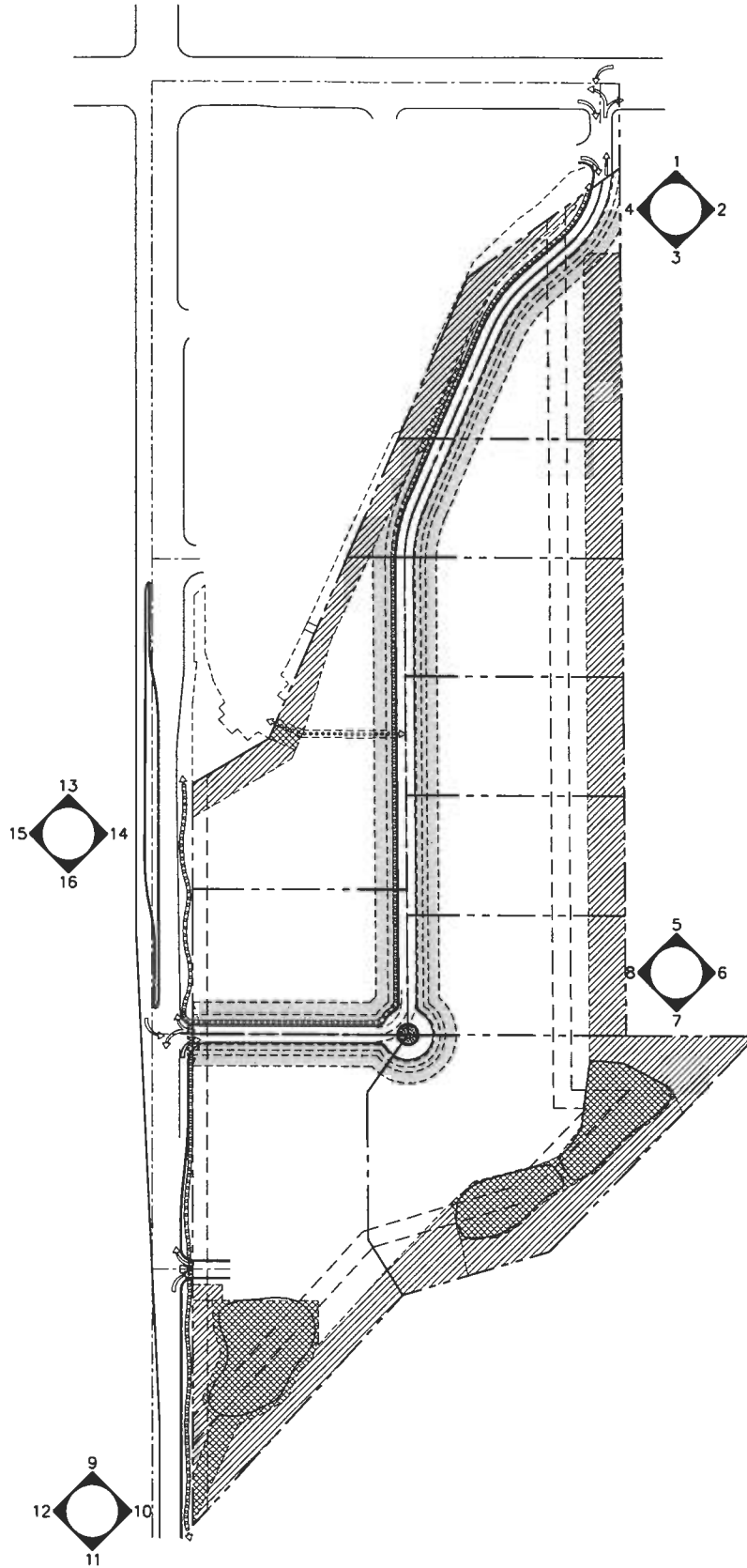


1-BA-2005

ATTACHMENT #5

Existing Conditions Photo Exhibit
Miller Road and Pinnacle Peak
Scottsdale, Arizona

DfD ConroyHedrick



DFD CornoyerHedrick

architecture
interior architecture
space planning
facilities management
land planning
landscape architecture
graphic design

Miller Road & Pinnacle Peak Scottsdale, Arizona

04154
17.FEB.05

All calculations are approximate and subject to change.



KEY PLAN



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4 3





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8 7





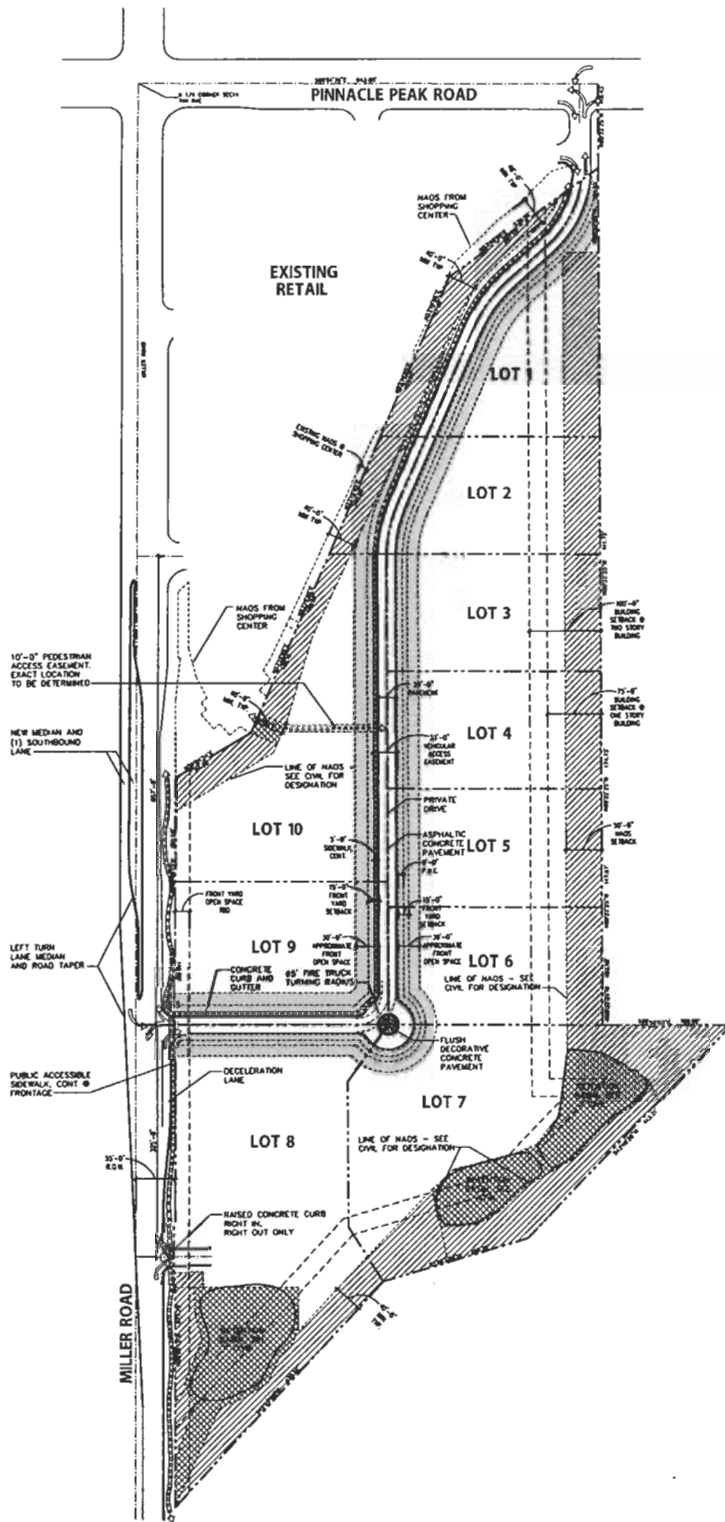
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12 11





13 14
16 15





GENERAL NOTES:

1. SEE PROJECT DATA AND NAOS WORKSHEET FOR NAOS TOTAL AND CALCULATIONS.
2. SEE PRELIMINARY PLAT FOR LOT BOUNDARIES.
3. SEE GRADING AND DRAINAGE FOR RETENTION BASIN LOCATIONS.

PROJECT DESCRIPTION:

THIS PROJECT CONSISTS OF A 10 LOT COMMERCIAL SUBDIVISION AT THE SOUTHEAST CORNER OF MILLER ROAD AND PINNACLE PEAK. ALL IMPROVEMENTS SHALL BE IN CONFORMANCE WITH C.O.S. STANDARDS. SEE ATTACHED DESIGN GUIDELINES.

PROJECT DATA:

ZONING: CO
PRIOR ZONING CASE #: 23-2-90
SITE AREA: 739,415 SF (16.97 ACRES)

LOT NUMBER	LOT AREA (SF)	AREA NAOS (SF)
1	17878.34	27078.14
2	34633.35	13708.78
3	8959.19	8750.38
4	8959.34	8750.38
5	8959.34	8750.38
6	8959.34	8750.38
7	12343.45	3451.59
8	12343.45	11534.34
9	8959.34	8
10	87385.88	14458.35
TOTAL	739415.35	147883.59

SYMBOL LEGEND:

- APPROXIMATE FRONT OPEN SPACE
- UNDISTURBED NAOS AREA 147,883 SF
- REVEGETATED NAOS 49,203 SF
- VEHICULAR ACCESS (2 WAY PRIVATE DRIVE, FUTURE LOT DRIVEWAYS TO BE DETERMINED)
- PEDESTRIAN ACCESS

NAOS SUMMARY:

NAOS AREA REQ'D:
20% (739,415 SF) = 147,883 SF
+ RESIDUAL FROM PARCEL 1 = 24,135 SF
TOTAL REQ'D = 172,036 SF
TOTAL NAOS PROVIDED = 188,665 SF
REVEGETATED NAOS PROVIDED = 49,203 SF (28.6% OF REQ'D)

NOTE:
ALL REQUIRED NAOS IS PROVIDED AT TIME OF MASTERPLAN DEVELOPMENT. NO ADDITIONAL NAOS IS REQUIRED AT TIME OF INDIVIDUAL LOT SUBMITTAL.

PROJECT DIRECTORY:

OWNER:

PARAGON PROPERTIES
7290 1st Road
Suite 100
Cave Creek, AZ 85377
Phone: (480) 488-0350
Fax: (480) 488-0370
Contact: MICHAEL BLENES
Email: mblenes@paragon.com

ARCHITECT:

BRYL EMMERT HEDRICK
2425 E. KAPLAN ROAD
SUITE 100
PHOENIX, AZ 85016
Phone: (602) 381-4848
Fax: (602) 381-4844
Contact: TOM ZANDLER
Email: tomzandler@bryl.com

LANDSCAPE ARCHITECT:

AMEC
2881 West Camelback Road
Suite 300
Phoenix, Arizona 85015
Phone: (602) 343-2400
Fax: (602) 343-2499
Contact: DAVID ROSENBERG
Email: david.rosenberg@amec.com

CIVIL ENGINEER:

BSE & ASSOCIATES
210 N. 24th St.
Phoenix, AZ 85016
Phone: (602) 954-4399
Fax: (602) 954-4400
Contact: LEN LBN
Email: wcz@bse.com

ATTORNEY:

EARL, CABLEY, & LAGARDE
Southwestern Trust Building
300 N. Central Ave., Ste. 1800
Phoenix, AZ 85012
Phone: (602) 245-0094
Fax: (602) 245-7101
Contact: LYNN LAGARDE
Email: llynn@lagarde.com

DFD ComputerMedia

ARCHITECT
CIVIL ENGINEER
LANDSCAPE ARCHITECT
PUBLIC DESIGN

Miller Road & Pinnacle Peak
Scottsdale, Arizona

SITE PLAN

ATTACHMENT #7